

CONFERENCE COMMITTEE SUBSTITUTE

FOR

HOUSE SUBSTITUTE

FOR

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FOR

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 686

AN ACT

To repeal sections 115.121, 115.124, 162.261, 162.431, 162.601, 165.011, 165.016, 171.031, 177.086, 324.245, and 393.310, RSMo, and to enact in lieu thereof thirteen new sections relating to education, with an emergency clause for certain sections.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI, AS FOLLOWS:

1           Section A. Sections 115.121, 115.124, 162.261, 162.431,  
2           162.601, 165.011, 165.016, 171.031, 177.086, 324.245, and  
3           393.310, RSMo, are repealed and thirteen new sections enacted in  
4           lieu thereof, to be known as sections 115.121, 115.124, 162.261,  
5           162.431, 162.601, 162.1180, 165.011, 165.016, 171.031, 177.086,  
6           324.245, 393.310, and 1, to read as follows:

7           115.121. 1. The general election day shall be the first  
8           Tuesday after the first Monday in November of even-numbered  
9           years.

10          2. The primary election day shall be the first Tuesday  
11          after the first Monday in August of even-numbered years.

1           3. The election day for the election of political  
2 subdivision and special district officers shall be the first  
3 Tuesday after the first Monday in April each year; and shall be  
4 known as the "general municipal election day".

5           4. In addition to the primary election day provided for in  
6 subsection 2 of this section, for the year 2003, the first  
7 Tuesday after the first Monday in August 2003 also shall be a  
8 primary election day for the purpose of permitting school  
9 districts and other political subdivisions of Missouri to incur  
10 debt in accordance with the provisions of article VI, section  
11 26(a) through 26(q) of the Missouri Constitution, with the  
12 approval of four-sevenths of the eligible voters of such school  
13 district or other political subdivision voting thereon, to  
14 provide funds for the acquisition, construction, equipping,  
15 improving, restoration, and furnishing of facilities to replace,  
16 repair, reconstruct, reequip, restore, and refurnish facilities  
17 damaged, destroyed, or lost due to severe weather, including,  
18 without limitation, windstorms, hail storms, flooding, tornadic  
19 winds, rainstorms and the like which occurred during the months  
20 of April or May, 2003.

21           5. Notwithstanding the provisions of subsection 1 of  
22 section 115.125, the officer or agency calling an election on the  
23 first Tuesday after the first Monday of August, 2003 shall notify  
24 the election authorities responsible for conducting the election  
25 not later than 5:00 p.m. on the sixth Tuesday prior to the  
26 election. For purposes of any such election, all references in  
27 section 115.125 to the tenth Tuesday prior to such election shall  
28 be deemed to refer to the sixth Tuesday prior to such election.

1           115.124. 1. Notwithstanding any other law to the contrary,  
2   in a nonpartisan election in any political subdivision or special  
3   district except for municipal[, ] and board of trustees of  
4   community college districts [and school board] elections, if the  
5   notice provided for in subsection 5 of section 115.127 has been  
6   published in at least one newspaper of general circulation in the  
7   district, and if the number of candidates who have filed for a  
8   particular office is equal to the number of positions in that  
9   office to be filled by the election, no election shall be held  
10   for such office, and the candidates shall assume the  
11   responsibilities of their offices at the same time and in the  
12   same manner as if they had been elected. Notwithstanding any  
13   other provision of law to the contrary, if at any election the  
14   number of candidates filing for a particular office exceeds the  
15   number of positions to be filled at such election, the election  
16   authority shall hold the election as scheduled, even if a  
17   sufficient number of candidates withdraw from such contest for  
18   that office so that the number of candidates remaining after the  
19   filing deadline is equal to the number of positions to be filled.

20           2. The election authority or political subdivision  
21   responsible for the oversight of the filing of candidates in any  
22   nonpartisan election in any political subdivision or special  
23   district shall clearly designate where candidates shall form a  
24   line to effectuate such filings and determine the order of such  
25   filings; except that, in the case of candidates who file a  
26   declaration of candidacy with the election authority or political  
27   subdivision prior to 5:00 p.m. on the first day for filing, the  
28   election authority or political subdivision may determine by

1 random drawing the order in which such candidates' names shall  
2 appear on the ballot. If a drawing is conducted pursuant to this  
3 subsection, it shall be conducted so that each candidate may draw  
4 a number at random at the time of filing. If such drawing is  
5 conducted, the election authority or political subdivision shall  
6 record the number drawn with the candidate's declaration of  
7 candidacy. If such drawing is conducted, the names of candidates  
8 filing on the first day of filing for each office on each ballot  
9 shall be listed in ascending order of the numbers so drawn.

10 162.261. 1. The government and control of a seven-director  
11 school district, other than an urban district, is vested in a  
12 board of education of seven members, who hold their office for  
13 three years, except as provided in section 162.241, and until  
14 their successors are duly elected and qualified. Any vacancy  
15 occurring in the board shall be filled by the remaining members  
16 of the board; except that if there are more than two vacancies at  
17 any one time, the county commission upon receiving written notice  
18 of the vacancies shall fill the vacancies by appointment. The  
19 person appointed shall hold office until the next municipal  
20 election, when a director shall be elected for the unexpired  
21 term.

22 2. No seven-director, urban, or metropolitan school  
23 district board of education shall hire a spouse of any member of  
24 such board for a vacant or newly created position unless the  
25 position has been advertised pursuant to board policy and the  
26 superintendent of schools submits a written recommendation for  
27 the employment of the spouse to the board of education. The  
28 names of all applicants as well as the name of the applicant

1 hired for the position are to be included in the board minutes.

2       162.431. 1. When it is necessary to change the boundary  
3 lines between seven-director school districts, in each district  
4 affected, ten percent of the voters by number of those voting for  
5 school board members in the last annual school election in each  
6 district, may petition the district boards of education in the  
7 districts affected, regardless of county lines, for a change in  
8 boundaries. The question shall be submitted at the next general  
9 municipal election.

10       2. The voters shall decide the question by a majority vote  
11 of those who vote upon the question. If assent to the change is  
12 given by each of the various districts voting, each voting  
13 separately, the boundaries are changed from that date.

14       3. If one of the districts votes against the change and the  
15 other votes for the change, the matter may be appealed to the  
16 state board of education, in writing, within fifteen days of the  
17 submission of the question by either one of the districts  
18 affected, or in the above event by a majority of the signers of  
19 the petition requesting a vote on the proposal. At the first  
20 meeting of the state board following the appeal, a board of  
21 arbitration composed of three members, none of whom shall be a  
22 resident of any district affected, shall be appointed. In  
23 determining whether it is necessary to change the boundary line  
24 between seven-director districts, the board of arbitration shall  
25 base its decision upon the following:

26       (1) The presence of school aged children in the affected  
27 area;

28       (2) The presence of actual educational harm to school-aged

1 children, either due to a significant difference in the time  
2 involved in transporting students or educational deficiencies in  
3 the district which would have its boundary adversely affected;  
4 and

5 (3) The presence of an educational necessity, not of a  
6 commercial benefit to landowners or to the district benefitting  
7 for the proposed boundary adjustment.

8 4. Within twenty days after notification of appointment,  
9 the board of arbitration shall meet and consider the necessity  
10 for the proposed changes and shall decide whether the boundaries  
11 shall be changed as requested in the petition or be left  
12 unchanged, which decision shall be final. The decision by the  
13 board of arbitration shall be rendered not more than thirty days  
14 after the matter is referred to the board. The chairman of the  
15 board of arbitration shall transmit the decision to the secretary  
16 of each district affected who shall enter the same upon the  
17 records of his district and the boundaries shall thereafter be in  
18 accordance with the decision of the board of arbitration. The  
19 members of the board of arbitration shall be allowed a fee of  
20 fifty dollars each, to be paid at the time the appeal is made by  
21 the district taking the appeal or by the petitioners should they  
22 institute the appeal.

23 5. If the board of arbitration decides that the boundaries  
24 shall be left unchanged, no new petition for the same, or  
25 substantially the same, boundary change between the same  
26 districts shall be filed until after the expiration of two years  
27 from the date of the municipal election at which the question was  
28 submitted to the voters of the districts.

1           162.601. 1. Elected members of the board in office on  
2 August 28, 1998, shall hold office for the length of term for  
3 which they were elected, and any members appointed pursuant to  
4 section 162.611 to fill vacancies left by elected members in  
5 office on August 28, 1998, shall serve for the remainder of the  
6 term to which the replaced member was elected.

7           2. No board members shall be elected at the first municipal  
8 election in an odd-numbered year next following August 28, 1998.

9           3. Three board members shall be elected at the second  
10 municipal election in an odd-numbered year next following August  
11 28, 1998, to serve four-year terms.

12           4. Four board members shall be elected at the third  
13 municipal election in an odd-numbered year next following August  
14 28, 1998, and two of such members shall be elected to four-year  
15 terms and two of such members shall be elected to three-year  
16 terms.

17           5. Beginning with the fourth municipal election in an  
18 odd-numbered year next following August 28, 1998, and at each  
19 succeeding municipal election in a year during which board member  
20 terms expire, there shall be elected members of the board of  
21 education, who shall assume the duties of their office at the  
22 first regular meeting of the board of education after their  
23 election, and who shall hold office for four years, and until  
24 their successors are elected and qualified.

25           6. Members of the board of directors shall be elected to  
26 represent seven subdistricts. The subdistricts shall be  
27 established by the state board of education to be compact,  
28 contiguous and as nearly equal in population as practicable. The

1 subdistricts shall be revised by the state board of education  
2 after each decennial census and at any other time the state board  
3 determines that the district's demographics have changed  
4 sufficiently to warrant redistricting.

5 7. A member shall reside in and be elected in the  
6 subdistrict which the member is elected to represent.

7 Subdistrict 1 shall be comprised of wards 1, 2, 22 and 27.

8 Subdistrict 2 shall be comprised of wards 3, 4, 5 and 21.

9 Subdistrict 3 shall be comprised of wards 18, 19, 20 and 26.

10 Subdistrict 4 shall be comprised of wards 6, 7, 17 and 28.

11 Subdistrict 5 shall be comprised of wards 9, 10, 11 and 12.

12 Subdistrict 6 shall be comprised of wards 13, 14, 16 and 25.

13 Subdistrict 7 shall be comprised of wards 8, 15, 23 and 24.

14 [8. No one may run for school board who is employed by the  
15 school district or who is related to an employee of the school  
16 district within the second degree of affinity or consanguinity.]

17 162.1180. 1. Any public school district or districts may  
18 designate an educational service agency, as defined in 20 U.S.C.  
19 Section 7801, for the purpose of developing, managing, and  
20 providing instructional services or programs to the participating  
21 school district or districts.

22 2. The educational service agency shall be designated by  
23 contract which is to be authorized by the board of education of  
24 the participating district and shall operate pursuant to  
25 standards adopted by the state board of education.

26 3. An educational service agency shall be organized as a  
27 nonprofit corporation as provided pursuant to chapter 355, RSMo.,  
28 with the method of selection of officers to be governed by



1 section 355.326, RSMo.

2 4. An educational service agency shall be considered a  
3 political subdivision of the state as defined in section 105.450,  
4 RSMo, with the governing board and employees subject to the  
5 conflict of interest prohibitions provided in chapter 105, RSMo.

6 5. All meetings of the governing board of the educational  
7 service agency shall be subject to the provisions of sections  
8 610.010 to 610.035, RSMo.

9 6. Nothing in this section shall relieve a participating  
10 school district from the responsibility of providing the  
11 instructional service or program which it has contracted for  
12 through an educational service agency.

13 165.011. 1. The following funds are created for the  
14 accounting of all school moneys: teachers' fund, incidental  
15 fund, free textbook fund, capital projects fund and debt service  
16 fund. The treasurer of the school district shall open an account  
17 for each fund specified in this section, and all moneys received  
18 from the county school fund and all moneys derived from taxation  
19 for teachers' wages shall be placed to the credit of the  
20 teachers' fund. All tuition fees, state moneys received under  
21 sections 162.975, RSMo, and 163.031, RSMo, and all other moneys  
22 received from the state except as herein provided shall be placed  
23 to the credit of the teachers' and incidental funds at the  
24 discretion of the district board of education. The portion of  
25 state aid received by the district pursuant to section 163.031,  
26 RSMo, based upon the portion of the tax rate in the debt service  
27 or capital projects fund, respectively, which is included in the  
28 operating levy for school purposes pursuant to section 163.011,

1 RSMo, shall be placed to the credit of the debt service fund or  
2 capital projects fund, respectively. Money received from other  
3 districts for transportation and money derived from taxation for  
4 incidental expenses shall be credited to the incidental fund.  
5 Money apportioned for free textbooks shall be credited to the  
6 free textbook fund. All money derived from taxation or received  
7 from any other source for the erection of buildings or additions  
8 thereto and the remodeling or reconstruction of buildings and the  
9 furnishing thereof, for the payment of lease-purchase  
10 obligations, for the purchase of real estate, or from sale of  
11 real estate, schoolhouses or other buildings of any kind, or  
12 school furniture, from insurance, from sale of bonds other than  
13 refunding bonds shall be placed to the credit of the capital  
14 projects fund. All moneys derived from the sale or lease of  
15 sites, buildings, facilities, furnishings and equipment by a  
16 school district as authorized under section 177.088, RSMo, shall  
17 be credited to the capital projects fund. Money derived from  
18 taxation for the retirement of bonds and the payment of interest  
19 thereon shall be credited to the debt service fund which shall be  
20 maintained as a separate bank account. Receipts from delinquent  
21 taxes shall be allocated to the several funds on the same basis  
22 as receipts from current taxes, except that where the previous  
23 years' obligations of the district would be affected by such  
24 distribution, the delinquent taxes shall be distributed according  
25 to the tax levies made for the years in which the obligations  
26 were incurred. All refunds received shall be placed to the  
27 credit of the fund from which the original expenditures were  
28 made. Money donated to the school districts shall be placed to

1 the credit of the fund where it can be expended to meet the  
2 purpose for which it was donated and accepted. Money received  
3 from any other source whatsoever shall be placed to the credit of  
4 the fund or funds designated by the board.

5 2. [(1)] The school board may expend from the incidental  
6 fund the sum that is necessary for the ordinary repairs of school  
7 property and an amount not to exceed the sum of expenditures for  
8 classroom instructional capital outlay, as defined by the  
9 department of elementary and secondary education by rule, in  
10 state-approved area vocational-technical schools and the greater  
11 of twenty-five percent of the guaranteed tax base for the  
12 preceding year or two and one-fourth percent of the district's  
13 entitlement for the preceding school year as established pursuant  
14 to line 1 of subsection 6 of section 163.031, RSMo, as of June  
15 thirtieth of the preceding school year for classroom  
16 instructional capital outlay, including but not limited to  
17 payments authorized pursuant to section 177.088, RSMo. Any and  
18 all payments authorized under section 177.088, RSMo, except as  
19 otherwise provided in this subsection, for the purchase or lease  
20 of sites, buildings, facilities, furnishings and equipment and  
21 all other expenditures for capital outlay shall be made from the  
22 capital projects fund. If a balance remains in the free textbook  
23 fund after books are furnished to pupils as provided in section  
24 170.051, RSMo, it shall be transferred to the teachers' fund.  
25 The board may transfer the portion of the balance remaining in  
26 the incidental fund to the teachers' fund that is necessary for  
27 the total payment of all contracted obligations to teachers. If  
28 a balance remains in the debt service fund, after the total

1 outstanding indebtedness for which the fund was levied is paid,  
2 the board may transfer the unexpended balance to the capital  
3 projects fund. If a balance remains in the bond proceeds after  
4 completion of the project for which the bonds were issued, the  
5 balance shall be transferred from the incidental or capital  
6 projects fund to the debt service fund. After making all  
7 placements of interest otherwise provided by law, a school  
8 district may transfer from the capital projects fund to the  
9 incidental fund the interest earned from undesignated balances in  
10 the capital projects fund. All other sections of the law  
11 notwithstanding, a school district may transfer from the  
12 incidental fund to the capital projects fund an amount equal to  
13 the capital expenditures for school safety and security purposes.  
14 A school district may borrow from one of the following funds:  
15 teachers' fund, incidental fund or capital projects fund, as  
16 necessary to meet obligations in another of those funds; provided  
17 that the full amount is repaid to the lending fund within the  
18 same fiscal year.

19 [(2) No school district shall make any expenditure for any  
20 lease purchase obligation authorized pursuant to section 177.088,  
21 RSMo, and incurred on or after January 1, 1997, from the  
22 district's capital projects fund unless the district levies, in  
23 the current year, a tax rate in the capital projects fund which  
24 is sufficient to generate revenues equal to or greater than the  
25 amount of such expenditure and collects such revenues and credits  
26 such revenues to the capital projects fund. For the purposes of  
27 subsection 8 of this section, any expenditure made in violation  
28 of this subdivision shall be considered a transfer of funds

1 performed in violation of this section and that amount shall be  
2 deducted from the school district's state aid calculated pursuant  
3 to section 163.031, RSMo, in the school year following the year  
4 such expenditure is made.]

5 3. Tuition shall be paid from either the teachers' or  
6 incidental funds.

7 4. Other provisions of law to the contrary notwithstanding,  
8 the school board of a school district that satisfies the criteria  
9 specified in subsection 5 of this section may transfer from the  
10 incidental fund to the capital projects fund the sum of:

11 (1) The amount to be expended for transportation equipment  
12 that is considered an allowable cost under state board of  
13 education rules for transportation reimbursements during the  
14 current year; plus

15 (2) Any amount necessary to satisfy obligations of the  
16 capital projects fund for state-approved area  
17 vocational-technical schools; plus

18 (3) An amount not to exceed the greater of:

19 (a) The guaranteed tax base for the preceding year; or

20 (b) Nine percent of the district's entitlement for the  
21 preceding school year as established pursuant to line 1 of  
22 subsection 6 of section 163.031, RSMo, as of June thirtieth of  
23 the preceding school year, less any amount expended from the  
24 incidental fund for classroom instructional capital outlay  
25 pursuant to subsection 2 of this section; provided that transfer  
26 amounts authorized pursuant to this subdivision may only be  
27 transferred by a resolution of the school board approved by a  
28 majority of the board members in office when the resolution is

1 voted upon and identifying the specific capital projects to be  
2 funded directly by the district by the transferred funds and an  
3 estimated expenditure date; and provided that if a district did  
4 not maintain compliance with the requirements of section 165.016  
5 the preceding year without recourse to a waiver for that year or  
6 a base year adjustment received that year or a fund balance  
7 exclusion unless the fund balance exclusion had also been used  
8 the second preceding year, the transfer amount pursuant to this  
9 subdivision may be transferred only to the extent required to  
10 meet current year obligations of the capital projects fund.

11 5. In order to transfer funds pursuant to subsection 4 of  
12 this section, a school district shall:

13 (1) Meet the minimum criteria for state aid and for  
14 increases in state aid for the current year established pursuant  
15 to section 163.021, RSMo;

16 (2) Not incur a total debt, including short-term debt and  
17 bonded indebtedness in excess of fifteen percent of the  
18 guaranteed tax base for the preceding payment year multiplied by  
19 the number of resident and nonresident eligible pupils educated  
20 in the district in the preceding year;

21 (3) Set tax rates pursuant to section 164.011, RSMo;

22 (4) First apply any voluntary rollbacks or reductions to  
23 the total tax rate levied to the teachers' and incidental funds;

24 (5) In order to be eligible to transfer funds for paying  
25 lease purchase obligations:

26 (a) Incur such obligations, except for obligations for  
27 lease purchase for school buses, prior to January 1, 1997;

28 (b) Limit the term of such obligations to no more than

1 twenty years;

2 (c) Limit annual installment payments on such obligations  
3 to an amount no greater than the amount of the payment for the  
4 first full year of the obligation, including all payments of  
5 principal and interest, except that the amount of the final  
6 payment shall be limited to an amount no greater than two times  
7 the amount of such first-year payment;

8 (d) Limit such payments to leasing nonathletic, classroom,  
9 instructional facilities as defined by the state board of  
10 education through rule; and

11 (e) Not offer instruction at a higher grade level than was  
12 offered by the district on July 12, 1994.

13 6. A school district shall be eligible to transfer funds  
14 pursuant to subsection 7 of this section if:

15 (1) Prior to August 28, 1993:

16 (a) The school district incurred an obligation for the  
17 purpose of funding payments under a lease purchase contract  
18 authorized under section 177.088, RSMo;

19 (b) The school district notified the appropriate local  
20 election official to place an issue before the voters of the  
21 district for the purpose of funding payments under a lease  
22 purchase contract authorized under section 177.088, RSMo; or

23 (c) An issue for funding payments under a lease purchase  
24 contract authorized under section 177.088, RSMo, was approved by  
25 the voters of the district; or

26 (2) Prior to November 1, 1993, a school board adopted a  
27 resolution authorizing an action necessary to comply with  
28 subsection 9 of section 177.088, RSMo. Any increase in the

1 operating levy of a district above the 1993 tax rate resulting  
2 from passage of an issue described in paragraph (b) of  
3 subdivision (1) of this subsection shall be considered as part of  
4 the 1993 tax rate for the purposes of subsection 1 of section  
5 164.011, RSMo.

6 7. Prior to transferring funds pursuant to subsection 4 of  
7 this section, a school district may transfer, pursuant to this  
8 subsection, from the incidental fund to the capital projects fund  
9 an amount as necessary to satisfy an obligation of the capital  
10 projects fund that satisfies at least one of the conditions  
11 specified in subsection 6 of this section, but not to exceed its  
12 payments authorized under section 177.088, RSMo, for the purchase  
13 or lease of sites, buildings, facilities, furnishings, equipment,  
14 and all other expenditures for capital outlay, plus the amount to  
15 be expended for transportation equipment that is considered an  
16 allowable cost under state board of education rules for  
17 transportation reimbursements during the current year plus any  
18 amount necessary to satisfy obligations of the capital projects  
19 fund for state-approved area vocational-technical schools. A  
20 school district [with a levy for school purposes no greater than  
21 the minimum levy specified in section 163.021, RSMo, and an  
22 obligation in the capital projects fund that satisfies at least  
23 one of the conditions specified in subsection 6 of this section]  
24 that is in compliance with section 165.016 during the second  
25 preceding year or has paid all penalties for the second preceding  
26 year, may transfer from the incidental fund to the capital  
27 projects fund the amount necessary to meet the obligation plus  
28 the transfers pursuant to subsection 4 of this section.



1           8. Beginning in the 1995-96 school year, the department of  
2 elementary and secondary education shall deduct from a school  
3 district's state aid calculated pursuant to section 163.031,  
4 RSMo, an amount equal to the amount of any transfer of funds from  
5 the incidental fund to the capital projects fund performed during  
6 the previous year in violation of this section; except that the  
7 state aid shall be deducted in equal amounts over the five school  
8 years following the school year of an unlawful transfer provided  
9 that:

10           (1) The district shall provide written notice to the state  
11 board of education, no later than June first of the first school  
12 year following the school year of the unlawful transfer, stating  
13 the district's intention to comply with the provisions of  
14 subdivisions (1) to (4) of this subsection and have state aid  
15 deducted for that unlawful transfer over a five-year period;

16           (2) On or before September first of the second school year  
17 following the school year of the unlawful transfer, the district  
18 shall approve an increase to the district's operating levy for  
19 school purposes to the greater of: two dollars and seventy-five  
20 cents per one hundred dollars assessed valuation or the levy  
21 which produces an increase in total state and local revenues, as  
22 determined by the department, in comparison to the first school  
23 year following the school year of the unlawful transfer which is  
24 equal to or greater than the amount of state aid to be deducted  
25 pursuant to this subsection each school year for such unlawful  
26 transfer, provided that increases required pursuant to this  
27 subdivision for subsequent unlawful transfers shall be made in  
28 comparison to the latter tax rate described in this subdivision;

1           (3) During each school year after the school year in which  
2 the operating levy is increased pursuant to subdivision (2) of  
3 this subsection and in which state aid is deducted pursuant to  
4 subdivisions (1) to (4) of this subsection, the district shall  
5 maintain an operating levy for school purposes which produces  
6 total state and local revenues for the district which are no less  
7 than the total state and local revenues produced by the levy  
8 required pursuant to subdivision (2) of this subsection;

9           (4) During each school year state aid is deducted pursuant  
10 to subdivisions (1) to (4) of this subsection except for the  
11 1998-99 school year, the district shall maintain compliance with  
12 the requirements of section 165.016 without any recourse to  
13 waivers or base-year adjustments and without the option to  
14 demonstrate compliance based upon the district's fund balances;  
15 and

16           (5) If, in any school year state aid is deducted pursuant  
17 to subdivisions (1) to (4) of this subsection, the district fails  
18 to comply with any requirement of subdivisions (1) to (4) of this  
19 subsection, the full, remaining amount of state aid to be  
20 deducted pursuant to this subsection shall be deducted from the  
21 district's state aid payments by the department during such  
22 school year.

23           9. On or before June 30, 1999, a school district may  
24 transfer to the capital projects fund from the balances of the  
25 teachers' and incidental funds any amount, but only to the extent  
26 that the amount transferred is equal to or less than the amount  
27 that the teachers' and incidental funds' unrestricted balances on  
28 June 30, 1995, exceeded eight percent of expenditures from the

1 teachers' and incidental funds for the year ending June 30, 1995.

2 10. (1) Other provisions of law to the contrary  
3 notwithstanding, a school district which satisfies all conditions  
4 specified in subdivision (2) of this subsection may make the  
5 transfer allowed in subdivision (3) of this subsection.

6 (2) To make the transfer allowed under subdivision (3) of  
7 this subsection, a school district shall:

8 (a) Have a membership count for school year 1997-98 which  
9 is at least sixteen percent greater than the district's  
10 membership count for the 1991-92 school year; and

11 (b) Have passed a full waiver of Proposition C tax rate  
12 rollback pursuant to section 164.013, RSMo, or approved an  
13 increase to the district's tax rate ceiling on or after June 1,  
14 1994; and

15 (c) Be in compliance or have paid all penalties required  
16 pursuant to section 165.016 for the 1994-95, 1995-96 and 1996-97  
17 school years without waiver or adjustment of the base school year  
18 certificated salary percentage; and

19 (d) After all transfers, have a remaining balance on June  
20 30, 1998, in the combined teachers' and incidental funds which is  
21 no less than ten percent of the combined expenditures from those  
22 funds for the 1997-98 school year.

23 (3) A district which satisfies all of the criteria  
24 specified in paragraphs (a) to (d) of subdivision (2) of this  
25 subsection may, on or before June 30, 1998, make a one-time  
26 combined transfer from the teachers' and incidental funds to the  
27 capital projects fund of an amount no greater than the sum of the  
28 following amounts:

1           (a) The product of the district's equalized assessed  
2 valuation for 1994 times the difference of the district's  
3 equalized operating levy for school purposes for 1994 minus the  
4 district's equalized operating levy for school purposes for 1993;

5           (b) The product of the district's equalized assessed  
6 valuation for 1995 times the difference of the district's  
7 equalized operating levy for school purposes for 1995 minus the  
8 district's equalized operating levy for school purposes for 1993;

9           (c) The product of the district's equalized assessed  
10 valuation for 1996 times the difference of the district's  
11 equalized operating levy for school purposes for 1996 minus the  
12 district's equalized operating levy for school purposes for 1993;

13           (d) The product of the district's equalized assessed  
14 valuation for 1997 times the difference of the district's  
15 equalized operating levy for school purposes for 1997 minus the  
16 district's equalized operating levy for school purposes for 1993;  
17 provided that the remaining balance in the incidental fund shall  
18 be no less than twelve percent of the total expenditures during  
19 that fiscal year from the incidental fund.

20           (4) A district which makes a transfer pursuant to  
21 subdivision (3) of this subsection shall be subject to compliance  
22 with the requirements of section 165.016 for fiscal years 1999,  
23 2000 and 2001, without the option to request a waiver or an  
24 adjustment of the base school year certificated salary  
25 percentage.

26           (5) Other provisions of section 165.016 to the contrary  
27 notwithstanding, the transfer of an amount of funds from either  
28 the teachers' or incidental fund to the capital projects fund

1 pursuant to subdivision (3) of this subsection shall not be  
2 considered an expenditure from the teachers' or incidental fund  
3 for the purpose of determining compliance with the provisions of  
4 subsections 1 and 2 of section 165.016.

5 11. In addition to other transfers authorized under  
6 subsections 1 to 9 of this section, a district may transfer from  
7 the teachers' and incidental funds to the capital projects fund  
8 the amount necessary to repay costs of one or more guaranteed  
9 energy savings performance contracts to renovate buildings in the  
10 school district; provided that the contract is only for energy  
11 conservation measures, as defined in section 640.651, RSMo, and  
12 provided that the contract specifies that no payment or total of  
13 payments shall be required from the school district until at  
14 least an equal total amount of energy and energy-related  
15 operating savings and payments from the vendor pursuant to the  
16 contract have been realized by the school district.

17 12. In addition to other transfers authorized pursuant to  
18 subsections 1 to 9 of this section, any school district that has  
19 undergone at least a twenty-percent increase in assessed  
20 valuation from the preceding year because of the construction of  
21 a power plant may make a one-time transfer on the basis of each  
22 such increase, to the capital projects fund from the balances of  
23 the teachers' and incidental funds' unrestricted balances in an  
24 amount equal to twice the amount of such transfer otherwise  
25 permitted pursuant to this section for the year in which such  
26 one-time transfer is made; provided that such transfer shall be  
27 made prior to the end of the second fiscal year following the  
28 fiscal year in which the increase in assessed valuation is

1 effective. Such one-time transfer may be made without regard to  
2 whether the transferred funds are used for current expenditures.  
3 No transfer shall be made pursuant to this subsection after June  
4 30, 2003.

5 13. A school district may transfer unrestricted funds from  
6 the capital projects fund to the incidental fund in any year in  
7 which that year's June thirtieth combined incidental and teachers  
8 funds unrestricted balance compared to the combined incidental  
9 and teachers funds expenditures would be less than ten percent  
10 without such transfer.

11 14. School districts that have issued qualified zone  
12 academy bonds pursuant to 26 U.S.C. Section 1397E, also known as  
13 the Taxpayers Relief Act of 1997, prior to December 31, 2002, and  
14 have placed bond proceeds into an interest-bearing account in the  
15 capital projects fund without meeting the requirement to set a  
16 levy in the debt service fund as required in section 164.161,  
17 RSMo, shall be permitted to make transfers to the debt service  
18 fund in an amount up to but not exceeding the original amount of  
19 bond proceeds invested, under the following conditions:

20 (1) The district has an unrestricted balance in the capital  
21 projects fund equivalent to the original amount of bond proceeds  
22 invested that may be transferred to the debt service fund; or

23 (2) If the district does not have sufficient unrestricted  
24 funds in the capital projects fund pursuant to subdivision (1) of  
25 this subsection, then additional funds may be transferred from  
26 the incidental fund to the debt service fund up to the amount  
27 needed to equal the original amount of bond proceeds invested,  
28 but such transfer in combination with other district expenditures

1 may not reduce the ending fund balance in the combined teachers'  
2 and incidental funds below ten percent balance of the  
3 expenditures in those funds;

4 (3) If the transfers allowed pursuant to subdivisions (1)  
5 and (2) of this subsection are not sufficient to equal the  
6 original amount of bond proceeds invested, the district shall  
7 provide an annual tax in the debt service fund sufficient to  
8 generate the amount required within five years from the effective  
9 date of this section;

10 (4) The district shall report the following information as  
11 prescribed by the department of elementary and secondary  
12 education on the annual secretary of the board report required to  
13 be submitted pursuant to section 162.821, RSMo, for the fiscal  
14 year ending June 30, 2003:

15 (a) Documentation of the establishment of the local  
16 academy/business partnership and the ten percent business match  
17 for qualified zone academy bonds pursuant to 26 U.S.C. Section  
18 1397E;

19 (b) A detailed schedule of completed and planned  
20 expenditures for the projects as specified in the department-  
21 approved qualified zone academy bond application, identified by  
22 building with certification by the district that a minimum of  
23 ninety-five percent of the voter-approved qualified zone academy  
24 bonds will be expended within ten years from the date of the sale  
25 of bonds; and

26 (c) The business name, office location, state of  
27 incorporation, and names of any representative of the bonding  
28 institution and bond counsel, if applicable, who handled the

1 qualified zone academy bond issuance, including all individuals  
2 who signed correspondence to or made presentations to the school  
3 district concerning such bonds; and providing the amount of fees  
4 or costs of issuance paid to the bonding institution and bond  
5 counsel stated as a whole dollar amount and as a percentage of  
6 the qualified zone academy bond;

7 (5) Any transfer made pursuant to subdivision (1) or (2) of  
8 this subsection shall be reported on the district's fiscal year  
9 2003 financial records;

10 (6) If the district fails to provide the information in the  
11 manner prescribed by the department on the annual secretary of  
12 the board report by December 31, 2003, the amount of unrestricted  
13 fund balance transferred into the debt service fund from the  
14 capital projects fund or incidental fund shall be returned to the  
15 original fund from which the transfer was made and an annual tax  
16 established in the debt service fund sufficient to pay the  
17 principal and interest of the bonds as they fall due.

18 15. On or before August 31, 2005, a school district located  
19 in a county of the third classification without a township form  
20 of government and with more than thirty-seven thousand two  
21 hundred but less than thirty-seven thousand three hundred  
22 inhabitants and in a county of the third classification without a  
23 township form of government and with more than nine thousand four  
24 hundred fifty but less than nine thousand five hundred fifty  
25 inhabitants and a school district with an assessed valuation of  
26 no less than twenty-one million seven hundred fifty thousand  
27 dollars and no more than twenty-two million dollars located in a  
28 county of the third classification without a township form of



1 government and with more than forty thousand eight hundred but  
2 less than forty thousand nine hundred inhabitants shall be  
3 permitted to make a one-time additional transfer from the  
4 incidental fund to the capital projects fund in an appropriate  
5 amount for the specific purpose of completing a sewer project in  
6 order to comply with regulations established by the department of  
7 natural resources.

8 16. On or before August 31, 2005, a school district with an  
9 assessed valuation of at least thirty-one million dollars and  
10 less than thirty-two million dollars located in a county of the  
11 third classification without a township form of government and  
12 with more than thirty-one thousand but less than thirty-one  
13 thousand one hundred inhabitants shall be permitted to make a  
14 one-time additional transfer from the incidental fund to the  
15 capital projects fund in an appropriate amount for the specific  
16 purpose of improving the library media and technology center that  
17 serves the district's high school and middle school.

18 17. In addition to other transfers authorized pursuant to  
19 this section, an eligible school district may transfer from the  
20 incidental fund to the capital projects fund to make expenditures  
21 which decrease the total interest cost of payments for a lease-  
22 purchase obligation authorized by section 177.088, RSMo. An  
23 eligible school district shall:

24 (1) Have never made a previous transfer pursuant to this  
25 subsection;

26 (2) Have ending cash reserves during the year of the  
27 transfer in incidental and teachers' funds combined equal to or  
28 greater than fifteen percent of expenditures;

1       (3) Decrease the interest cost of all remaining lease-  
2 purchase payments by at least the cost of refinancing plus ten  
3 percent;

4       (4) Make payments equal to or greater than the amount of  
5 the transfer for a lease-purchase obligation meeting an  
6 eligibility requirement of subsections 5 or 6 of this section;

7       (5) Levy in the incidental and teachers' funds a levy  
8 greater than two dollars and seventy-five cents during the year  
9 of the transfer and each of the two previous years;

10       (6) Demonstrate compliance with the requirements of section  
11 165.016 or have paid all outstanding penalties to eligible staff  
12 for five consecutive years prior to the year of the transfer; and

13       (7) Have an average salary for teachers in the district  
14 which equals or exceeds for three consecutive years prior to the  
15 year of the transfer at least one of the following:

16       (a) The average salary for teachers statewide; or

17       (b) The average salary for teachers in its senatorial  
18 district.

19       165.016. 1. A school district shall expend as a percentage  
20 of current operating cost, for tuition, teacher retirement and  
21 compensation of certificated staff, a percentage that is for the  
22 1994-95 and 1995-96 school years, no less than three percentage  
23 points less than the base school year certificated salary  
24 percentage and for the 1996-97 school year, no less than two  
25 percentage points less than the base school year certificated  
26 salary percentage. A school district may exclude transportation  
27 and school safety and security expenditures from the current  
28 operating cost calculation of the base year and the year or years

1 for which the compliance percentage is calculated. The base  
2 school year certificated salary percentage shall be the two-year  
3 average percentage of the 1991-92 and 1992-93 school years except  
4 as otherwise established by the state board under subsection 4 of  
5 this section; except that, for any school district experiencing,  
6 over a period of three consecutive years, an average yearly  
7 increase in average daily attendance of at least three percent,  
8 the base school year certificated salary percentage may be the  
9 two-year average percentage of the last two years of such period  
10 of three consecutive years, at the discretion of the school  
11 district.

12 2. Beginning with the 1997-98 school year, a school  
13 district shall:

14 (1) Expend, as a percentage of current operating cost, as  
15 determined in subsection 1 of this section, for tuition, teacher  
16 retirement and compensation of certificated staff, a percentage  
17 that is no less than two percentage points less than the base  
18 school year certificated salary percentage; or

19 (2) For any year in which no payment of a penalty is  
20 required for the district under subsection 6 of this section,  
21 have an unrestricted fund balance in the combined incidental and  
22 teachers' funds on June thirtieth which is equal to or less than  
23 ten percent of the combined expenditures for the year from those  
24 funds.

25 3. Beginning with the 1999-2000 school year:

26 (1) As used in this subsection, "fiscal instructional ratio  
27 of efficiency" or "FIRE" means the quotient of the sum of the  
28 district's current operating costs, as defined in section

1 163.011, RSMo, for all kindergarten through grade twelve direct  
2 instructional and direct pupil support service functions plus the  
3 costs of improvement of instruction and the cost of purchased  
4 services and supplies for operation of the facilities housing  
5 those programs, and excluding student activities, divided by the  
6 sum of the district's current operating cost for kindergarten  
7 through grade twelve, plus all tuition revenue received from  
8 other districts minus all noncapital transportation and school  
9 safety and security costs;

10 (2) A school district shall show compliance with this  
11 section in school year 1998-99 and thereafter by the method  
12 described in subsections 1 and 2 of this section, or by  
13 maintaining or increasing its fiscal instructional ratio of  
14 efficiency compared to its FIRE for the 1997-98 base year.

15 4. (1) The state board of education may exempt a school  
16 district from the requirements of this section upon receiving a  
17 request for an exemption by a school district. The request shall  
18 show the reason or reasons for the noncompliance, and the  
19 exemption shall apply for only one school year. Requests for  
20 exemptions under this subdivision may be resubmitted in  
21 succeeding years;

22 (2) A school district may request of the state board a  
23 one-time, permanent revision of the base school year certificated  
24 salary percentage. The request shall show the reason or reasons  
25 for the revision.

26 5. Any school district requesting an exemption or revision  
27 under subsection 4 of this section must notify the certified  
28 staff of the district in writing of the district's intent. Prior

1 to granting an exemption or revision, the state board shall  
2 consider comments from certified staff of the district. The  
3 state board decision shall be final.

4 6. Any school district which is determined by the  
5 department to be in violation of the requirements of subsection 1  
6 or 2 of this section, or both, shall compensate the  
7 building-level administrative staff and nonadministrative  
8 certificated staff during the year following the notice of  
9 violation by an additional amount which is equal to one hundred  
10 ten percent of the amount necessary to bring the district into  
11 compliance with this section for the year of violation. In any  
12 year in which a penalty is paid, the district shall pay the  
13 penalty specified in this subsection in addition to the amount  
14 required under this section for the current school year.

15 7. Any additional transfers from the teachers' or  
16 incidental fund to the capital projects fund beyond the transfers  
17 authorized by state law and state board policy in effect on  
18 January 1, 1996, shall be considered expenditures from the  
19 teachers' or incidental fund for the purpose of determining  
20 compliance with the provisions of subsections 1, 2 and 3 of this  
21 section.

22 8. The provisions of this section shall not apply to any  
23 district receiving state aid pursuant to subsection 6 of section  
24 163.031, RSMo, based on its 1992-93 payment amount per eligible  
25 pupil, which is less than fifty percent of the statewide average  
26 payment amount per eligible pupil paid during the previous year.

27 9. The provisions of subsections 1 to 8 of this section  
28 shall not apply to any district that has unrestricted fund

1 balances in the combined incidental and teacher funds on June  
2 thirtieth of the preceding year which are equal to or less than  
3 seventeen percent of the combined expenditure for the preceding  
4 year from these funds in any year in which state funds  
5 distributed pursuant to section 163.031, RSMo, lines 1 to 10 plus  
6 line 14 are no more than ninety-six percent of such state funds  
7 distributed in fiscal year 2002.

8 10. The provisions of subsections 1 to 8 of this section  
9 shall not apply to any district which meets the following  
10 criteria:

11 (1) With ten percent or more of its assessed valuation that  
12 is owned by one person or corporation as commercial or personal  
13 property who is delinquent in a property tax payment;

14 (2) With unrestricted fund balances in the combined  
15 incidental and teacher funds on June thirtieth of the preceding  
16 year which are equal to or less than one half of the local  
17 property tax revenue for the previous year; and

18 (3) In any year in which state funds distributed pursuant  
19 to section 163.031, RSMo, lines 1 to 10 plus line 14 are no more  
20 than ninety-six percent of such state funds distributed in fiscal  
21 year 2002.

22 171.031. 1. Each school board shall prepare annually a  
23 calendar for the school term, specifying the opening date and  
24 providing a minimum term of at least one hundred seventy-four  
25 days and one thousand forty-four hours of actual pupil  
26 attendance. [The opening date shall not be earlier than the  
27 first day of September, except:

28 (1) If the first day of September falls on Labor Day or a

1 Saturday or Sunday, the school board in any school district may  
2 move the starting day for that term to a subsequent school day;

3 (2) In school districts in which schools are in session for  
4 twelve months of each calendar year; and

5 (3) In school districts in which the school board  
6 determines students are needed for agricultural production  
7 purposes.]

8 2. No school day shall be longer than seven hours except  
9 for vocational schools which may adopt an eight-hour day in a  
10 metropolitan school district and a school district in a first  
11 class county adjacent to a city not within a county.

12 177.086. 1. Any school district authorizing the  
13 construction of facilities which may exceed an expenditure of  
14 [twelve thousand five hundred] fifteen thousand dollars shall  
15 publicly advertise, once a week for two [successive] consecutive  
16 weeks, in a newspaper of general [publication] circulation,  
17 qualified pursuant to chapter 493, RSMo, located within the  
18 [county] city in which [said] the school district is located, or  
19 if there be no such newspaper, in a qualified newspaper of  
20 general [publication] circulation in the county, or if there be  
21 no such newspaper, in a qualified newspaper of general  
22 circulation in an adjoining county, and may advertise in  
23 business, trade, or minority newspapers, for bids on said  
24 construction.

25 2. No bids shall be entertained by the school district  
26 which are not made in accordance with the specifications  
27 furnished by [them] the district and all contracts shall be let  
28 to the lowest responsible bidder complying with the terms of the

1 letting, provided that the [said school] district shall have the  
2 right to reject any and all bids.

3 3. All bids must be submitted sealed and in writing, to be  
4 opened publicly at time and place of the district's choosing.

5 324.245. 1. The board is authorized to promulgate rules  
6 and regulations regarding:

7 (1) The content of license applications and the procedures  
8 for filing an application for an initial or renewal license in  
9 this state;

10 (2) The content, conduct and administration of the  
11 licensing examination required by section 324.265;

12 (3) Educational requirements for licensure, including, but  
13 not limited to, provisions that allow clock hours of supervised  
14 instruction at a vocational technical school;

15 (4) The standards and methods to be used in assessing  
16 competency as a massage therapist;

17 (5) All applicable fees, set at an amount which shall not  
18 substantially exceed the cost and expense of administering  
19 sections 324.240 to 324.275; and

20 (6) Establishment of procedures for granting reciprocity  
21 with other states, including states which do not have massage  
22 therapy licensing laws or states whose licensing laws are not  
23 substantially the same as those of this state.

24 2. All funds received by the board pursuant to the  
25 provisions of sections 324.240 to 324.275 shall be collected by  
26 the director who shall transmit the funds to the department of  
27 revenue for deposit in the state treasury to the credit of the  
28 "Massage Therapy Fund" which is hereby created. Notwithstanding



1 the provisions of section 33.080, RSMo, to the contrary, money in  
2 this fund shall not be transferred and placed to the credit of  
3 general revenue until the amount in the fund at the end of the  
4 biennium exceeds three times the amount of the appropriation from  
5 the fund for the preceding fiscal year.

6 3. Any rule or portion of a rule, as that term is defined  
7 in section 536.010, RSMo, that is promulgated to administer and  
8 enforce sections 324.240 to 324.275, shall become effective only  
9 if the agency has fully complied with all of the requirements of  
10 chapter 536, RSMo, including but not limited to, section 536.028,  
11 RSMo, if applicable, after August 28, 1998. If the provisions of  
12 section 536.028, RSMo, apply, the provisions of this section are  
13 nonseverable and if any of the powers vested with the general  
14 assembly pursuant to section 536.028, RSMo, to review, to delay  
15 the effective date, or to disapprove and annul a rule or portion  
16 of a rule are held unconstitutional or invalid, the purported  
17 grant of rulemaking authority and any rule so proposed and  
18 contained in the order of rulemaking shall be invalid and void,  
19 except that nothing in this section shall affect the validity of  
20 any rule adopted and promulgated prior to August 28, 1998.

21 393.310. 1. This section shall only apply to gas  
22 corporations as defined in section 386.020, RSMo. This section  
23 shall not affect any existing laws and shall only apply to the  
24 program established pursuant to this section.

25 2. As used in this section, the following terms mean:

26 (1) "Aggregate", the combination of natural gas supply and  
27 transportation services, including storage, requirements of  
28 eligible school entities served through a Missouri gas

1 corporation's delivery system;

2 (2) "Commission", the Missouri public service commission;  
3 and

4 (3) "Eligible school entity" shall include any  
5 seven-director, urban or metropolitan school district as defined  
6 pursuant to section 160.011, RSMo, and shall also include, one  
7 year after July 11, 2002, and thereafter, any school for  
8 elementary or secondary education situated in this state, whether  
9 a charter, private, or parochial school or school district.

10 3. Each Missouri gas corporation shall file with the  
11 commission, by August 1, 2002, a set of experimental tariffs  
12 applicable the first year to public school districts and  
13 applicable to all school districts, whether charter, private,  
14 public, or parochial, thereafter.

15 4. The tariffs required pursuant to subsection 3 of this  
16 section shall, at a minimum:

17 (1) Provide for the aggregate purchasing of natural gas  
18 supplies and pipeline transportation services on behalf of  
19 eligible school entities in accordance with aggregate purchasing  
20 contracts negotiated by and through a not-for-profit school  
21 association;

22 (2) Provide for the resale of such natural gas supplies,  
23 including related transportation service costs, to the eligible  
24 school entities at the gas corporation's cost of purchasing of  
25 such gas supplies and transportation, plus all applicable  
26 distribution costs, plus an aggregation and balancing fee to be  
27 determined by the commission, not to exceed four- tenths of one  
28 cent per therm delivered during the first year; and

1           (3) Not require telemetry or special metering, except for  
2 individual school meters over one hundred thousand therms  
3 annually.

4           5. The commission may suspend the tariff as required  
5 pursuant to subsection 3 of this section for a period ending no  
6 later than November 1, 2002, and shall approve such tariffs upon  
7 finding that implementation of the aggregation program set forth  
8 in such tariffs will not have any negative financial impact on  
9 the gas corporation, its other customers or local taxing  
10 authorities, and that the aggregation charge is sufficient to  
11 generate revenue at least equal to all incremental costs caused  
12 by the experimental aggregation program. Except as may be  
13 mutually agreed by the gas corporation and eligible school  
14 entities and approved by the commission, such tariffs shall not  
15 require eligible school entities to be responsible for pipeline  
16 capacity charges for longer than is required by the gas  
17 corporation's tariff for large industrial or commercial basic  
18 transportation customers.

19          6. The commission shall treat the gas corporation's  
20 pipeline capacity costs for associated eligible school entities  
21 in the same manner as for large industrial or commercial basic  
22 transportation customers, which shall not be considered a  
23 negative financial impact on the gas corporation, its other  
24 customers, or local taxing authorities, and the commission may  
25 adopt by order such other procedures not inconsistent with this  
26 section which the commission determines are reasonable or  
27 necessary to administer the experimental program.

28          7. This section shall terminate June 30, 2005.

1       Section 1. 1. Beginning with the 2004-2005 school year and  
2 for each school year thereafter, every public institution of  
3 higher education in this state shall require all students who  
4 reside in on-campus housing to sign a written waiver stating that  
5 the institution of higher education has provided the student, or  
6 if the student is a minor, the student's parents or guardian,  
7 with detailed written information on the risks associated with  
8 meningococcal disease and the availability and effectiveness of  
9 the meningococcal vaccine.

10       2. Any student who elects to receive the meningococcal  
11 vaccine shall not be required to sign a waiver referenced in  
12 subsection 1 of this section and shall present a record of said  
13 vaccination to the institution of higher education.

14       3. Each public university or college in this state shall  
15 maintain records on the meningococcal vaccination status of every  
16 student residing in on-campus housing at the university or  
17 college, including any written waivers executed pursuant to  
18 subsection 1 of this section.

19       4. Nothing in this section shall be construed as requiring  
20 any institution of higher education to provide or pay for  
21 vaccinations against meningococcal disease.

22       Section B. Because immediate action is necessary to  
23 adequately fund the public schools of this state, the repeal and  
24 reenactment of sections 115.121, 165.011, and 165.016 of this act  
25 is deemed necessary for the immediate preservation of the public  
26 health, welfare, peace and safety, and the repeal and reenactment  
27 of sections 115.121, 165.011, and 165.016 is hereby declared to  
28 be an emergency act within the meaning of the constitution, and

1 the repeal and reenactment of sections 115.121, 165.011, and  
2 165.016 of this act shall be in full force and effect upon its  
3 passage and approval.

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